TRANSMITTAL FORM

	Attorney Docket No.
	DE920000104US1/2289P

In re the application of: **Uwe HANSMANN et al.**

Confirmation No: **7582**

Serial No: **10/037,700**

Group Art Unit: **2161**

Filed: **January 2, 2002**

Examiner: **Al Hashemi, Sana A.**

For: **Method and System for Synchronizing of Data**

ENCLOSURES *(check all that apply)*

☐ Amendment/Reply	☐ Assignment and Recordation Cover Sheet	☐ After Allowance Communication to Group	
☐ After Final	☐ Part B-Issue Fee Transmittal	☐ Notice of Appeal	
☐ Information disclosure statement	☐ Letter to Draftsman	■ Appeal Brief	
☐ Form 1449	☐ Drawings	☐ Status Letter	
☐ (X) Copies of References	☐ Petition	■ Postcard	
☐ Extension of Time Request *	☐ Fee Address Indication Form	☐ Other Enclosure(s) *(please identify below)*:	
☐ Express Abandonment	☐ Terminal Disclaimer		
☐ Certified Copy of Priority Doc	☐ Power of Attorney and Revocation of Prior Powers		
■ Response to Non-Compliant Appeal Brief	☐ Change of Correspondence Address		
☐ Response to Missing Parts	*Extension of Term: Pursuant to 37 CFR 1.136, Applicant petitions the Commissioner to extend the time for response for xxxxxx month(s), from to .		
☐ Executed Declaration by Inventor(s)			

CLAIMS

FOR	Claims Remaining After Amendment	Highest # of Claims Previously Paid For	Extra Claims	RATE	FEE
Total Claims	9	20	0	$ 50.00	$ 0.00
Independent Claims	2	3	0	$200.00	$ 0.00
				Total Fees	$ 0.00

METHOD OF PAYMENT

☐ Check no. _____ in the amount of $ _____ is enclosed for payment of fees.

☐ Charge $ _____ to Deposit Account No. _____ (Account Holder Name) for payment of fees.

■ Charge any additional fees or credit any overpayment to Deposit Account No. 09-0460 (IBM Corporation).

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

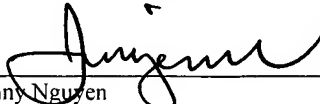| Attorney Name	Joyce Tom, Reg. No. 48,681
Signature	
Date	October 13, 2005

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Jinny Nguyen

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

APPEAL NO:

In Re Application of: Date: October 13, 2005

Uwe HANSMANN et al.   Confirmation No.: 7582

Serial No: 10/037,700   Group Art Unit: 2171

Filed: January 2, 2002   Examiner: Al Hashemi, Sana A

For: METHOD AND SYSTEM FOR SYNCHRONIZING DATA

APPEAL BRIEF

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TABLE OF CONTENTS

I.   REAL PARTY IN INTEREST

Appellant respectfully submits that International Business Machines Corporation is the real party in interest.

II.   RELATED APPEALS AND INTERFERENCES

Appellant states that no such proceeding exists.

III.   STATUS OF CLAIMS

Claims 21-29 are pending in the present application and stand rejected. Claims 1-20 and 30-43 have been canceled. Claims 21 and 26 were amended in a response dated October 27, 2004. Accordingly, claims 21-29 are on appeal and all applied rejections concerning those claims are herein being appealed.

IV. STATUS OF AMENDMENT

In an amendment filed concurrently with this brief, Appellant canceled claims 1-20, 30,

32-37 and 39-43. Appellant respectfully requests that the amendment be entered pursuant to 37

CFR 1.116.

V.   SUMMARY OF CLAIMED SUBJECT MATTER

The present invention is directed to synchronizing data records in a client with data records in a server system. According to one embodiment of the present invention, as recited in claim 21, a client computer system includes a database for storing data records (FIG. 1, item 12), and a processor coupled to the database (12) for creating setup information in the client that enables a server system to identify the client (Specification, page 9, lines 1-2), and to find information the server system needs for synchronization (Specification, page 8, lines 12-13). In addition, the setup information enables the server system to provide appropriate commands for the client. (Specification, page 9, lines 2-7).

In another embodiment of the present invention, as recited in claim 26, a server system (FIG. 1, item 20) includes means for receiving the setup information (described above) from the client computer system (FIG. 1, item 10), memory for storing the setup information (FIG. 1).

In another embodiment, recited in claim 25, the client is either a mobile phone, a handheld computer, or a personal digital assistant. (Specification, page 1, lines 20-22; page 2, lines 16-18)).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 21-29 were rejected under 35 USC §112 for being indefinite. In addition, claims

21-24 and 26-29 were rejected under 35 U.S.C. 102 as being anticipated by Bauer et al. (US

Patent No. 6,591,272). Claim 25 was rejected under 35 U.S.C. §103(a) as being unpatentable

over Bauer (U.S. Patent No. 5,870,759) in view of Alam et al. (U.S. Patent No. 6,324,544).

VII. ARGUMENTS

A. Summary of the Applied Rejections

In the Final Office Action, the Examiner rejected claims 21-29 under 35 USC §112,

stating:

> Claim 1-43 the preamble provides for the a method/process and use of minimizing code, but, since the body of the claims does not set forth any steps involved in the method/process, it is unclear what method/process applicant is intending to encompass and how the body of the claims will minimize the code. Claims 1-43 are indefinite where they merely recite a use without any active, positive steps delimiting how this use is actually practiced.

In rejecting claims 21-24 and 26-29, the Examiner stated:

> Bauer discloses a method and a computer readable for minimizing code needed in a client to synchronize data records in the client with data records in a server system, comprising the steps of:
>
> (a)   creating setup information in the client, wherein the setup information enables the server system to identify the client and to provide appropriate commands for the client (see columns 13, 14, lines 64-67, 1-6, respectively Bauer); and
>
> (b)   providing the setup information from the client to the server system to allow for synchronization of the data records (see column 9, lines 36-41, Bauer).

In rejecting claim 25, the Examiner stated:

> Bauer discloses al[l] the claimed limitation except for the client to be a mobile client. However, Alam teachers the method of synchronizing data between a mobile client and a database (see column 11, 12, lines 14-67, 1-63, respectively, Alam). It would have been obvious to one of the ordinary skill in the art at the time of the invention to receives update and synchronize data from a handheld or mobile device/client with the motivation of providing access to all types of devices to store data in a database which has more space than the mobile devices which improve the speed of the mobile device and reduce the risk of loosing the data since it has been stored on a server.

B.   The Cited Prior Art

Bauer is directed toward utilizing a database synchronizer to synchronize data in a central database for a particular client with the data on a client's intermittently connected computer. In general, a database synchronizer is used to share data among many nodes on a computing system. The database synchronizer is used to synchronize the data for a particular client with the data on that client's intermittently-connected computer. Updates performed by either client or server are propagated to the other side when a connection is established and eventually from the server to the other clients in the system. In Bauer, synchronization is accomplished by submitting updates between the client and the central database. In so doing, the client and the database share the workload for synchronization.

Alam is directed to a mobile client. The combination of Bauer and Alam provides a database synchronizer for synchronizing data between a mobile client and a central database. The mobile client and the centralized database provide updates to each other during connections between the database and the mobile client.

C.   Claims 21-29 Satisfy the Requirements Under 35 U.S.C. §112.

Appellant respectfully submits that independent claims 21 and 26 recite a client computer system and a server system, respectively, for synchronizing data records stored on the client or server (respectively) with data records stored in the server or client (respectively). The claims do not recite "minimizing code." Accordingly, Applicants respectfully submit that claims 21 and 26 are not indefinite under section 112. Because claims 22-25 and 26-29 depend from claims 21 and 26, they too are not indefinite under section 112.

D. Claims 21-24 and 26-29 are Allowable Over Bauer.

Appellant respectfully submits that Bauer fails to teach or suggest a client computer system that includes a processor for "creating setup information" or a server system that includes means for "receiving setup information" that enables "the server system to identify the client [computer system], to identify where to find information the server system needs for synchronization and to provide appropriate commands for the client," as recited in claims 21 and 26. In the present invention, the server system uses the setup information to interpret changed records from the client and to generate executable commands to the client. Thus, the client does not need to store programming code for creating a standardized document related to the changed data record and programming code for interpreting instructions from the server. Nothing in Bauer teaches or suggests creating and using setup information having such features.

In the Final Office Action, the Examiner states that Bauer teaches this feature at column 13, line 64 to column 14, line 6. That portion states:

> Figure 7 is a schematic design of a table row message. The table row message 50 includes a message header 52 and a body 54. The header 52 contains the message as either an insert, an update or a delete operation. The body 54 preferably includes a key field for the unique key value identifying the table row in a relational database, a column identification filed 57 for identifying the table row in a relational database, a column identification field for identifying columns at which the modified data fields reside and a stream of data values from the replicated database 22X.

Appellant respectfully submits that the cited portion does not disclose or suggest setup information that, among other things, *enables the server system to identify where to find information the server system needs for synchronization*, as recited in claims 21 and 26. Accordingly, claims 21 and 26 are allowable over Bauer.

Claims 22-24 and 27-29 depend from claims 21 and 26 and the above arguments apply

9

with full force and effect. Accordingly, Appellant respectfully submits that claims 22-24 and 27-29 are also allowable over Bauer.

E. Claim 25 is Allowable Over Bauer in view of Alam.

Appellant respectfully submits that claim 25 is allowable over Bauer in view of Alam. Claim 25 depends from claim 21 and therefore, the arguments presented above relating to claim 21 apply equally to claim 25. Alam is directed to a mobile device, and fails to teach or suggest setup information that "enables the server system to identify the client, to identify where to find information the server system needs for synchronization, and to provide appropriate commands for the client," as recited in claim 21. Accordingly, Appellant respectfully submits that claim 25 is allowable over the cited references.
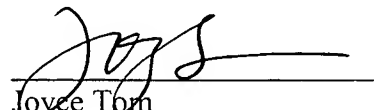
F. Summary of Arguments

For the reasons set forth above, Appellants respectfully submit that the claims 21-29 are allowable over the cited references. Appellants respectfully request that the final rejection of claims 21-29 be reversed.

Note: For convenience of detachment without disturbing the integrity of the remainder of pages of this Appeal Brief, Appellants' APPENDICES A-C are attached on separate sheets following the signatory portion of this Appeal Brief.

Respectfully submitted,

SAWYER LAW GROUP LLP

October 13, 2005
Date

Joyce Tom
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APPENDIX A

CLAIMS

1.   (Canceled)

2.   (Canceled)

3.   (Canceled)

4.   (Canceled)

5.   (Canceled)

6.   (Canceled)

7.   (Canceled)

8.   (Canceled)

9.   (Canceled)

10.   (Canceled)

11.   (Canceled)

12.   (Canceled)

13.   (Canceled)

14.   (Canceled)

15.   (Canceled)

16.   (Canceled)

17.   (Canceled)

18.   (Canceled)

19.   (Canceled)

20.   (Canceled)

21. (previously presented)   A client computer system for synchronizing data records

stored on the client computer system with data records stored on a server system, the

client computer system comprising:

a database for storing the data records; and

a processor coupled to the database for creating setup information to the server system,

wherein the setup information enables the server system to identify the client, to identify where

to find information the server system needs for synchronization and to provide appropriate

commands for the client.

22. (original) The client computer system of claim 21, wherein the system further

comprises means for detecting a changed record in the client database, and means for

transmitting the changed record to the server system.

23. (original) The client computer system of claim 22, wherein the processor further for

executing a program compiled and transmitted by the server system, wherein the program

updates and synchronizes the data records stored in the database.

24. (original) The client computer system of claim 23 further comprising means for

downloading and starting the program.

25. (original) The client computer system of claim 21, wherein the client is one of a

mobile phone, a handheld computer, and a personal digital assistant.

26. (previously presented)   A server system for synchronizing data records stored on the server system with data records stored in a client computer system, the server system comprising:

means for receiving setup information from the client computer system, wherein the setup information includes information to enable the server system to identify the client computer system, to identify where to find information the server system needs for synchronization and to provide appropriate commands for the client computer system;

memory for storing the setup information coupled to the means for receiving;

a processor coupled to the memory; and

a database coupled to the processor for storing the server system data records.

27. (original) The server system of claim 26, further comprising means for receiving a changed data record from the client computer system;

wherein, the setup information further describes a format of the data records stored in the client computer system, and the processor interprets the changed data record from the client computer system using the setup information, updates the database, and compiles a program comprising object code executable by the client computer system to update the client data records.

28. (original) The server system of claim 26 further comprising means for detecting a changed data record in the database;

wherein, the processor updates the database and compiles a program comprising object code executable by the client computer system to update the client data records.

29. (original) The server system of claim 28 further comprising means for transmitting the program to the client computer system.

30. (Canceled)

31. (Canceled)

32. (Canceled)

33. (Canceled)

34. (Canceled)

35. (Canceled)

36. (Canceled)

37. (Canceled)

38. (Canceled)

39. (Canceled)

40. (Canceled)

41. (Canceled)

42. (Canceled)

43. (Canceled)

APPENDIX B

EVIDENCE

(NONE)

APPENDIX C

RELATED PROCEEDINGS

(NONE)